

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., November 2, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the October 19th and October 26, 2004 previous meetings.
-

AWARDS AND PROCLAMATIONS

- Proclamations
-

PUBLIC AGENDA

1. Marydel Grayum-Progress Update of the ProKS/Miller Recycling Center.
-

CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated November 1, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Doug Ward	Presto Convenience Stores LLC	3311 North Rock Road.
Doug Ward	Presto Convenience Stores LLC	1250 South Rock Road
Doug Ward	Presto Convenience Stores LLC	2190 North Rock Road
Doug Ward	Presto Convenience Stores LLC	4414 West Maple
Doug Ward	Presto Convenience Stores LLC	1254 South Tyler
Doug Ward	Presto Convenience Stores LLC	7990 East Central

(Item 3 continued)

Doug Ward	Presto Convenience Stores LLC	7136 West Central
Doug Ward	Presto Convenience Stores LLC	2001 South Oliver
Doug Ward	Presto Convenience Stores LLC	1350 North Oliver
Doug Ward	Presto Convenience Stores LLC	2356 South Seneca
Doug Ward	Presto Convenience Stores LLC	7236 West 21 st Street
Doug Ward	Presto Convenience Stores LLC	4821 South Broadway
Doug Ward	Presto Convenience Stores LLC	515 North Seneca

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
----------------	-------------	----------------------------------

William H. Smith	WSU d/b/a Rhatigan Student Center	1845 Fairmount
------------------	-----------------------------------	----------------

<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
---------------------	-------------	-----------------------------------

Don Farquhar	Rolling Hills CC Golf Shop	9612 West Maple
Randall S. Fuller Sr.	The Tropics Lounge	2705 North Broadway

<u>Special Event</u>	<u>November 27, 28, 2004.</u>	
----------------------	-------------------------------	--

Delfino Morillon	Lieso Santa Rosa	2200 North Broadway
------------------	------------------	---------------------

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. Preliminary Estimates:

- a. Lateral 37, Main 1 Cowskin Interceptor Sewer to serve Oak Cliff Estates Addition - north of Maple, west of Maize. (468-83824/744065/480753) Does not affect existing traffic. (District V) - \$39,000.00
- b. Storm Water Sewer #607 to serve Oak Cliff Estates Addition - north of Maple, west of Maize. (468-83825/751371/485262) Does not affect existing traffic. (District V) - \$45,000.00
- c. Cavit from the north line of Lot 20, Block C, north and northeasterly to the west line of Decker; Decker from the north line of Lot 23, Block D, north to the north line of Cavit; Burton from the west line of Cavit, north to the northwesterly line of Lot 25, Block C; Sidewalk on one side of Burton, Cavit and Decker to serve Shadow Woods Addition (north of Maple, west of 135th Street West) (472-83722/765907/490020) Does not affect existing traffic. (District V) - \$250,000.00

RECOMMENDED ACTION: Approve and file.

5. Deeds and Easements:

- a. Sanitary Sewer Easement dated September 3, 2004 from Barbara B. and James E. Cranor for a tract of land located in the Northwest Quarter of Section 31, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA #607861). No cost to City.
- b. Utility Easement dated October 6, 2004 from Jelco, Inc. for tracts of land located in Lot 5, Block 1, The Collective, an Addition to Wichita, Sedgwick County, Kansas (OCA #607861). No cost to City.

(Item 5 continued)

- c. Waterline Easement dated October 6, 2004 from Jelco, Inc. for a tract of land located in Lot 5, Block 1, The Collective, an Addition to Wichita, Sedgwick County, Kansas (OCA #607861). No cost to City.

RECOMMENDED ACTION: Accept documents.

6. Petitions for Public Improvements:

- a. Pave 51st Street North from Athenian to Charles. (District VI)
- b. Sanitary sewer, drainage and water distribution system improvements to serve The Waterfront Fourth Addition, north of 13th Street, east of Webb. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

7. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

8. Design Services Agreements:

- a. Main 4, Northwest Interceptor Sewer, east and west of 135th Street West, south of 21st Street. (District V)
- b. Main 22, Southwest Interceptor Sewer, MacArthur Road and West Street. (District IV)
- c. Avalon Park 2nd Addition, north of 37th Street North, east of Tyler. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

9. Acquisition by Eminent Domain of Tracts Required for the East Kellogg/Rock Road Improvement Project.
(District II)

RECOMMENDED ACTION: Adopt the Resolution and place the Ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition on first reading.

10. Coordination with HHS Application from Episcopal Social Services, Inc.

RECOMMENDED ACTION: Approve the coordination with the application.

11. 2005 Byrne Grant.

RECOMMENDED ACTION: Approve the grant award, the memorandums of agreement and the budget transfer; and authorize the necessary signatures.

12. Sidewalk Repair Assessments.

RECOMMENDED ACTION: Approve the proposed assessments and place the Ordinance on first reading.

13. 51st Street North Improvement from Meridian to Approximately 640 Feet East of Meridian. (District VI)

RECOMMENDED ACTION: Adopt the amending resolution.

14. Rehabilitation of Pump Stations No. 2 and No. 4. (Districts IV and VI)

RECOMMENDED ACTION: Approve the expenditure; adopt the Resolution and authorize the necessary signatures.

15. University Plaza Lease Amendment. (District I)

RECOMMENDED ACTION: Approve the lease amendment and authorize the necessary signatures.

15a. Resolution Establishing the Order of Succession as Mayor of the City.

RECOMMENDED ACTION: Adopt the Resolution.

UNFINISHED BUSINESS

16. Ordinance Amending Off-Site Billboards Sign Regulations (Title 24.04)
(Deferred October 19, 2004)

RECOMMENDED ACTION: Declare an emergency and adopt on first Reading the ordinance amending the Sign Code (Title 24.04 of the Code of the City of Wichita).

NEW BUSINESS

17. Appeal from an Order of the Chief of Police to Revoke the Private Security Permit for David D. DeMoss.

On August 19, 2004, Mr. David D. DeMoss completed a private security new applicant form, seeking to obtain a temporary private security permit. During the completion of this application, several questions were not answered truthfully by Mr. DeMoss.

RECOMMENDED ACTION: Conduct a hearing on the permittee's appeal and issue an order either upholding or overturning the same.

18. Salons of Hope-Cutting Out Domestic Violence.

The Wichita Police Department and the YWCA Wichita have worked together for years in the battle to fight domestic violence. This fall, we will expand this partnership by offering a new program to the Wichita-Sedgwick County Community: Salons of Hope: Cutting Out Domestic Violence.

RECOMMENDED ACTION: Extend its appreciation to the members of the Wichita Area YWCA and receive and file the report.

19. Current Refunding of General Obligation Bonds, Series 2004B & 2004C Advanced Refunding of General Obligation Bonds, Series 2004D.

The City is planning to offer for sale three series of general obligation refunding bonds totaling approximately \$76,240,000. Staff has been studying the potential of creating debt service savings by refunding all of the above listed Series and is seeking Council authorization to proceed with the structuring of a negotiated refunding bond issue.

RECOMMENDED ACTION: Authorize Springsted to perform financial advisory services for the City, authorize the Staff to proceed to negotiate a current refunding of the Series 733, 739, 746, 748, 750, 752, 756, 757, 758, 759, 760, 950, 954, and 955 Bonds with the local underwriting syndicate led by AG Edwards, and authorize the resolution of intent.

20. GIS Migration Services-Approval of Contract.

In 1992, the first Geographic Information System (GIS) application was introduced with the approval of the street centerline pilot project, one new staff person, and the endorsement of Environmental Systems Research Institute (ESRI) GIS software as the primary GIS platform.

RECOMMENDED ACTION: Approve the selection of ESRI for the GIS Migration Services project and the contract; and authorize the necessary signatures.

21. 2004-2013 Capital Improvement Program Changes – Storm Water Projects. (Districts I, II, and III)

On February 10, 2004, the City Council approved the 2004 to 2013 Capital Improvement Program. As it was approved, the program included \$400,000 in local (General Obligation Bond) funding in 2004 and 2005 for the Gypsum Creek Urban Stream Restoration Project.

RECOMMENDED ACTION: Amend the 2004-2013 C.I.P. by removing the Gypsum Creek Urban Restoration Project; adjust funding required for the 1st Street Northwest Storm Sewer Outfall; increase funding for the Murdock at Wabash Drainage Project; fund the Dry Creek R.O.W. (flood mitigation) Project; add funds to design the Gypsum Creek, Pawnee to Woodlawn and the 1st and/or 2nd Street Storm Sewer Outfall Projects; adopt the necessary bonding resolutions; and authorize the necessary signatures.

22. Sanitary Sewer to Serve an Area North of Esthner, West of West Street. (District IV)

On February 10, 2004, the City Council approved a project to construct a sanitary sewer along Florence and Esthner, west of West Street. An attempt to award a contract within the budget set by the resolution was not successful. An amending resolution has been prepared to increase the project budget.

RECOMMENDED ACTION: Adopt the amending resolution.

23. Project Funding Requests to the Kansas Department of Transportation.

Transportation Enhancement is a funding category under the Transportation Equity Act for the 21st Century (TEA021). The Kansas Department of Transportation (KDOT) will receive applications for Enhancement projects from cities and counties throughout Kansas and select those projects that meet KDOT's funding eligibility criteria.

RECOMMENDED ACTION: 1) Approve the proposed project applications; 2) adopt the resolution accepting responsibility for coordinating the projects and funding the local match; and 3) authorize Staff to submit project requests to KDOT.

24. HUD Consolidated Plan Process.

In 1995, the Department of Housing and Urban Development (HUD) issued new regulations regarding the planning and application process for three grant programs. It is now time to develop the annual One-Year Action Plan submittal required for the 2005/2006 program year.

RECOMMENDED ACTION: Give consideration to the policy issues involved, including determinations on establishment of priorities for allocations and reservation and dedicated program funding (to be determined by the Council); and approve the process for development of its 2005/2006 Consolidated Plan.

24a. Municipal Court Judge Compensation

Pursuant to Charter Ordinance No.191 and the Judge Evaluation Policy, the evaluation committee evaluated the judges and recommended salary increases.

RECOMMENDED ACTION: Approve salary increases for Municipal Court Judges.

25. Computerized Ticketing System for Century II. (District I)

Century II has relied on outside vendors to sell tickets to the events held at the facility in past years. It is desirable for the City to operate the box office to maintain control of the complete ticketing system.

RECOMMENDED ACTION: Authorize the purchase; approve the personnel required to operate the box office; approve the budget transfer and authorize the necessary signatures.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

26. *VAC2004-35-Request to Vacate Multiple Platted Easements Located Midway between Oliver Avenue and Edgemoor Drive on the Southeast Corner of Kellogg Avenue and Pinecrest Avenue. (District II)

RECOMMENDED ACTION: 1) Follow the recommendation of the MAPC and approve the Vacation Order and authorize the necessary signatures; or
2) Follow Staff recommendation and approve the Vacation Order, including the dedication of a 10-foot wide sidewalk and utility easement along the site's Kellogg Drive frontage and authorize the necessary signatures.

27. *SUB2004-24-Plat of Lotus Addition, Located on the North Side of 47th Street South and West of Rock Road.

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

28. *SUB2004-25-Plat of Aaron Goodwin Addition, Located on the North side of 25th Street North and East of Broadway. (District VI)

RECOMMENDED ACTION: Approve the document and plat; authorize the necessary signatures; and adopt the resolution.

29. *SUB2004-38-Plat of Thorn Creek Farms Addition, Located on the West Side of Greenwich Road and North of Harry. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the resolution ;and place the Ordinance on first reading.

30. *SUB2004-90-Plat of Belton Addition, Located East of Seneca, North of 55th Street South. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures ;and adopt the resolution.

31. *CON2004-00028-Conditional Use for Vehicle Sales on Property Zoned Limited Commercial - Generally Located South of Kellogg and West of Gouverneur. (District II)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the Conditional Use subject to the recommended conditions; authorize the Mayor to sign the resolution; or
2. Return the application to the MAPC for reconsideration.

32. *ZON2004-00045-Zone Change from Multi-Family and Single-Family to Limited Commercial - Generally Located North of Douglas and east of West Street. (District VI)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change subject to the condition of platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration.

33. ZON2004-00046-Zone Change from Single-Family Residential to Office Warehouse - Generally Located at the Intersection of South Exchange and West MacArthur. (District IV)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change; or
2. Return the application to MAPC for reconsideration.

34. CUP2004-00036-Associated with ZON2004-00040, Create DP278 Newmarket V Commercial Community Unit Plan; Zone Change to Limited Commercial - Generally Located South of 29th Street North and West of Maize Road. (District V)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change and CUP subject to the condition of platting within two years and the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds;
or
2. Return the application to the MAPC for reconsideration.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

35. Telephone Switch Upgrade Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the project budget; approve the Contracts; adopt the resolution; and authorize the necessary signatures.

36. Telecommunications Contract and Policy Review.

RECOMMENDED ACTION: Approve the contract and authorize the necessary signatures.

37. Supplemental Agreement No. 1, Airfield Pavement Taxiway "L" Construction, Taxiway "J" Widening and Compass Rose Construction.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

38. Agreement-Reynolds Air Express.

RECOMMENDED ACTION: Approve the agreement and authorize the necessary signatures.

CITY COUNCIL

39. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment